

(35) No 15.

*The state of the Case betwixt Mr. Sacheverel and Mr. Vernon touching the Election of a Knight
of the Shire for the County of Derby, in the place of John Milward Esq; deceased.*

Thursday the 24th. of November last being the County Court day, the High Sheriff went to the County Hall, and immediately after his coming thither, the Writ for Election was delivered to him by a special Messenger from the Lord Keeper by whose permission notice had been given and published in most of the Market towns of that County, on the respective market dayes that the said Writ for Election would be delivered to the Sheriff on or before the said 24th. of November, so as that there might be an Election made that day at the said County Hall.

As soon as the Sheriff had received that Writ, he caused Proclamation to be made, that he did intend that day about ten of the clock, and at the said Hall to proceed to an Election according to the directions of that Writ.

That done, the Sheriff then caused his Court to be called, and after entry of an action or two caused Proclamation to be made in the Court to the same effect as before was done, and so staying in the Court till about ten of the clock, did then read the Writ. After the reading whereof a shout for Election was given, and upon it a Poll demanded by Mr. Vernon, and then the Sheriff declaring that Mr. Sacheverel and Mr. Vernon were the only persons that he heard in nomination, and his good opinion of both of them, gave his Vote for Mr. Sacheverel.

After this at Mr. Vernons desire the Court was adjourned to the Market Cro's, and the Writ was read there again, and a like shout being given as was at the Hall, the Sheriff desired Mr. Sacheverel and Mr. Vernon that one of them would go to the upper side, and the other to the lower side of the Market place, that a view might be taken which Mr. Vernon refused, and demanded a Poll and had it immediately granted, and so went to the Town Hall, but Mr. Sacheverel went off to the lower side of the Market-place, and it then appeared (as it did the night before upon the coming in of the Free-holders) that Mr. Sacheverel had far the greater number.

Before the Poll began, the Sheriff (to the intent that a fair and just Poll might be taken, and that all persons might come to it with ease) propos'd to Poll by Hundreds and Towns, and to begin first with the remotest Hundreds and remotest towns in those Hundreds, and so to proceed and to set up the names of those towns that all persons, seeing in what order the towns names stood, might come up with ease and regularly: To which proposition Mr. Sacheverel consented, but Mr. Vernon refused it, declaring he would Poll no way but promiscuously.

Now the place where the Poll was then to be (and during memory had ever been) taken, consisting of two chambers, and there being a door and a large pair of stairs to come up into the outward chamber, and a back door and smaller pair of stairs to pass down out of the inner chamber, and all free-holders (saving some gentry or aged persons by consent) having been used time out of mind, to be admitted to come in at the great door in the outward chamber, and when they had given Votes in the inward chamber, then to be let out at the back door in that inward chamber: It was agreed that the Poll should be taken in the inward chamber, and that as many free-holders of those that should be next the door of the outward chamber as it would well hold should be admitted into it, and then as formerly had also been used the door to be kept shut, till those had Poled, and then they to go down out at the back door in the inner chamber, and as many more to be admitted in the same manner into the outward chamber, and so to proceed while the Poll lasted. And it was further agreed, that the Gentry, the Clergy, and some aged persons should (as formerly had been used) be at seasonable times admitted in at the back door, if it was desired.

This being done, and the Poll beginning, and Mr. Sacheverel seeing some persons come in as Voters for Mr. Vernon, who neither resided in that County, nor had therein any freehold in their own occupation. He at first excepted against them, and also against such as had no Estates but Copy hold in ancient demesne, and declared that he conceived that by divers Statutes, (*viz.* 8. Hen. 6. Cap. 7. and the first of Hen. 5. Cap. 13. and the first Hen. 6. Cap. 2.) Such non-residents and Copyholders had no Votes. But it was highly insisted on by Mr. Vernon and his friends that they had Votes, and Mr. Sacheverel perceiving that a quiet Poll could not be had without entering of the names of such non-residents and Copyholders, he did consent that, *de bene esse* the names and places of abroad of such non-residents should be set down, and for whom they would Vote, and also that *de bene esse* the names of such Copyholders should be set down, and for whom they would vote; so as it might be expressed in the book that they were only such Copyholders, and not be set down as Freeholders, which was done accordingly, and Mr. Vernon had near thirty, and Mr. Sacheverel but three, of such Copyholders names entered.

Now the Poll going forward, about five hundred votes were taken that Thursday, and that day Mr. Sacheverel out went Mr. Vernon one hundred and fifty Votes.

On Friday the Poll continued all day, and about a thousand Votes were taken, and that night at the rising of the Court, when it was adjourned till next morning, Mr. Sacheverel had in the whole out gone Mr. Vernon about two hundred and fifty Votes.

On Saturday the Poll continuing, about eleven hundred Votes were taken, Mr. Vernon being present all that day in Court, as he had been all the time of Poll on the two preceding dayes, and the Sheriff Poled on Saturday night till Mr. Vernon had not one vote left at the door, and Mr. Vernon having that day Poled above four hundred, did that night poll his Clerks, and then the Court was adjourned till Monday morning, and on Saturday night when the Court was adjourned, Mr. Sacheverel had in the whole out gone Mr. Vernon near four hundred Votes.

On Monday morning before the Sheriff went to Court, he sent one as he had done the other days of Poll, to acquaint Mr. Vernon that he was ready to go to the Court, Mr. Vernon returned answer he would come there no more, so the Sheriff went, and this day about three hundred Votes were taken, many whereof Voted for Mr. Vernon, as by the book will appear. And all at the door being Poled, the Sheriff caused Proclamation to be made, both at the Market Cro's, and in most streets of the town, that if any Freeholder desired to give a Vote, he might come to the Court and it should be received, and the Sheriff sitting a considerable time in Court, and none coming in to Vote, the Court was adjourned till one of the Clock, and then the Sheriff returning to Court, caused a like Proclamation to be made, and no one coming in, adjourned to the County Hall, and there caused Proclamation to be made again to the like effect, and none coming, the books were cast up, by which it appeared, that if the above said Copyholders and non-residents should be allowed good Votes, yet that nevertheless Mr. Sacheverel had six hundred forty five Votes more than Mr. Vernon, which the Sheriff declared, and accordingly return'd Mr. Sacheverel.

During all the Poll, every person that would swear he had forty shillings a year freehold in the County above reprises and rendered his Vote, had his name and Vote entered.

As for the Clergy and some Gentry of known estates, their Votes by consent of both sides were taken without oath, but every other person whose name and Vote is entered in the Poll Book (except the Copyholders above mentioned) did swear he had forty shillings a year Freehold in that County, above repriz